Remarks

This Amendment is responsive to the Office Communication mailed August 31, 2001 (Paper No. 6). It is also responsive to the Notice of Non-Compliant Amendment mailed September 23, 2005. Applicants note that since the time when this Amendment was first filed in 2001, the requirements for the format of amendments have changed. This Amendment attempts to duplicate the amendments and arguments made in 2001, but to present the amendments in the format currently required by the USPTO. Entry of this Amendment and reconsideration of the subject application in view thereof are respectfully requested.

Claims

Claims 1-12 were pending.

Claims 2-8 have been cancelled. Claims 1 and 9 have been amended in order to place former European style claims into proper United States format. Support for this Amendment is apparent. Thus, no new matter is added.

Claim Rejection under 35 U.S.C. §112, Second Paragraph

Claims 1-8 were rejected under 35 U.S.C. §112, second paragraph, as being allegedly indefinite, and under 35 U.S.C. §101. In particular, the Examiner alleged that

> claims 1-8 provide for the use of a wound dressing, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claim 1 has been amended to recite a method of treating an acute wound. As claimed, claim 1 is sufficiently clear and definite for purposes of 35 U.S.C. §112, second paragraph. Withdrawal of rejection of claim 1 is respectfully requested.

Claim Rejection under 35 U.S.C. §102(b)

Claims 1-12 stand rejected under 35 U.S.C. §102(b) as being anticipated by three patents; Carlisle, Errede et al., and Ewall. In particular the Examiner alleged that:

Claims 1-12 are rejected under 35 U.S.C. §102(b) as being anticipated by Carlisle (US Pat. No. 3,824,996).

As per claims 1-12, Carlisle discloses a wound dressing for the preparation of a substitute for a biological dressing for use in the treatment of acute wounds requiring the use of a biological dressing, the wound dressing comprising highly absorbent fibres (see reference column 1, lines 1-68); (column 4, lines 1-55); column 5, lines 20-27); (column 6, lines 37-52); (column 7, lines 2-14).

Claims 1-12 are rejected under 35 U.S.C. §102(b) as being anticipated by Errede et al. (US Pat. No. 4,373,519). As per claims 1-12, Errede et al. discloses a wound dressing for the preparation of a substitute for a biological dressing for use in the treatment of acute wounds requiring the use of a biological dressing, the wound dressing comprising highly absorbent fibres (see reference column 3, lines 40-68); (column 4, lines 7-66); (column 14, lines 54-68); columns 15 and 16, lines 1-68); (column 18, lines 1-20).

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Ewall (U.S. Pat. No. 4,977,892). As per claims 1-12, Ewall discloses a wound dressing for the preparation of a substitute for a biological dressing for use in the treatment of acute wounds requiring the use of a biological dressing, the wound dressing comprising highly absorbent fibres (see reference column 2, lines 5-50); (column 3, lines 43-50); (column 4, lines 3-23); (column 5, lines 29-48).

Applicant disagrees that claims 1-12 are anticipated by either Carlisle, Errede et al., or Ewall. A claim is anticipated by a reference only if each and every element of the claim is found, either expressly or inherently, in that reference. *See* MPEP 2131. Thus, the identical invention must be shown in complete detail as is contained in the claim. *See id.* Moreover, a process patent can only be anticipated by a similar process, not a prior apparatus. See Window Glass Mach. Co. v. Smethport Window Glass Co. 266 F. 85, 94 (D.C. Pa. 1917). Abiding by these standards, it is clear that neither Carlisle, Errede et al., or Ewall anticipate the invention as claimed in claims 1, 9, 10, 11, or 12.

Carlisle

Claims 1, 9, 10, 11, and 12 are directed to a method of treating an acute wound with a wound dressing for the preparation of a substitute for a biological dressing or skin graft. Applicants assert that Carlisle does not disclose, either expressly or inherently, the use of a wound dressing as a substitute for a biological dressing or skin graft. In fact, Carlisle does not disclose a method at all. Carlisle discloses an apparatus – a wound dressing substantially constructed from cellulosic material, formed in thin layers, and is non-compressible and has a high rate of absorbency for water

and blood, irrespective of gravity. (See columns 6-8). A method of treating a wound with a wound dressing as disclosed in claims 1 and 9-12 is simply not mentioned in Carlisle.

In addition, Carlisle does not disclose or suggest a method of treating a wound with a wound dressing by adhering to wound dressing directly onto the wound, much less a method of treating a wound with a wound dressing under conditions that are conducive to epithelial cell outgrowth in the wound during treatment, as recited in amended claim 1 of the present invention. Thus, claims 1 and 9-12 are not anticipated by Carlisle. Withdrawal of this rejection under 35 U.S.C. §102(b) is respectfully requested.

Errede et al.

Similarly, Errede et al., also does not disclose either expressly or inherently, a method for treating a wound with a wound dressing as a substitute for a biological dressing or skin graft. Instead, Errede et al., disclose an apparatus – a wound dressing comprised of a polytetrafluoroethylene fibril matrix containing moisture-controlling hydrophilic absorptive particles enmeshed in the matrix that serves to absorb blood and exudate.

Errede et al. does not disclose or suggest a method of treating a wound with a wound dressing by adhering the wound dressing directly to the wound as is claimed in claim 1 of the present invention. Rather, Errede et al. teaches away from the present invention by specifically disclosing an apparatus intended to be "non-adherent to the wound-surface." (See column 1 of Errede et al. patent). Furthermore, Errede et al. does not disclose a method of treating a wound with a wound dressing under such conditions to promote vertical wicking into the dressing and epithelial cell outgrowth in the wound during treatment, as is recited in claim 1 of the present invention. Thus, claims 1, 9, 10, 11, and 12 are not anticipated by Errede et al. Withdrawal of this rejection under 35 U.S.C. §102(b) is respectfully requested.

Ewall

Ewall does not disclose, either expressly or inherently, a method of treating a wound with a wound dressing as a substitute for a biological dressing or skin graft. In fact, Ewall does not disclose a method but an apparatus – a wound dressing capable of retention of wound exudate which comprises several layers including an adhesive layer, a fabric level which gives the dressing structural integrity, a hydrophilic absorbent polymeric layer, and at least one occlusive backing layer. A method for treating a wound with a wound dressing disclosed in claims 1, 9, 10, 11 and 12 of the present invention is simply not mentioned in Ewall. Further, Ewall does not disclose a

method of treating a wound with a wound dressing as a substitute for a biological dressing under conditions that are conducive to epithelial outgrowth as recited in claim 1 of the present invention. Moreover, Ewall does not disclose a method for using the wound dressing for the treatment of burns. Thus, claims 1 and 9-12 are not anticipated by Ewall. Withdrawal of this rejection under 35 U.S.C. §102(b) is respectfully requested.

Applicants believe this response to be a full and complete response to the Office Action. Accordingly, favorable reconsideration in view of this response, and allowance of the pending claims, are earnestly solicited.

Respectfully submitted,

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Date: 19 October 2005